

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures--Hearings

Article 4. Administrative Hearing Procedures for Review of Citations

Subarticle 2. Issuance and Service of Citations

§ 60075.12. Issuance and Service of Citations.

(a) The complainant may issue a citation to any person for Class I violations as defined in section 60075.11.

(b) A "Citation" shall include the following information:

(1) The names of the alleged citees;

(2) The code section, rule or regulation that has allegedly been violated;

(3) A concise, but reasonably specific statement of the facts that support issuance of each alleged violation;

(4) A proposed penalty for the alleged violations that is to be assessed against the citee as authorized by applicable law;

(5) Reference to these procedures, notice that the procedures are available from the ARB hearing office (the address and phone number of which shall be set forth), and notice that Chapter 5 (commencing with section 11500) of the Government Code is not applicable to these proceedings;

(6) Written notice to citee that he or she:

(A) May respond to the allegations of the citation and request a hearing. It shall also inform the citee of the consequences of failing to respond by the applicable deadline;

(B) Has the right to represent him or herself or to retain a representative, who is not required to be an attorney, at one's own expense; and

(C) If necessary, has the right to an interpreter.

(7) The address of the office issuing the complaint; the address to which payment of the proposed penalty may be sent; and the address of the hearing office to whom a request for a hearing shall be submitted.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Sections 43028, 43031(a) and 44011.6, Health and Safety Code.

REFERENCE